

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JORGE CALDERON-CANAS, )  
Movant, ) No. 3:16-CV-1764-M-BH  
vs. ) No. 3:13-CR-466-M (5)  
 )  
UNITED STATES OF AMERICA, )  
Respondent. ) Referred to U.S. Magistrate Judge<sup>1</sup>

**RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

Before the Court are the movant's *Affidavit of Indigency* and *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis*, with a certificate of inmate trust account, received from the Fifth Circuit Court of Appeals for processing in this Court on December 18, 2019 (doc. 25).

(X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:

(X) The Court certifies under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that the appeal presents no legal points of arguable merit and is therefore frivolous.<sup>2</sup>

If the Court denies the request to proceed *in forma pauperis* on appeal, the defendant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5); *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997).

**SO RECOMMENDED this 21st day of January, 2020.**

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Under 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

<sup>2</sup> A certificate of appealability was denied on September 24, 2019. (See doc. 20.)